

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2007 OCT 16 P 2:51

RAYMOND GEDDES & COMPANY, INC., a
Maryland corporation,

Plaintiff,

v.

J. ROUSEK TOY CO, INC., a California
corporation,

Defendant.

Case No.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, RAYMOND GEDDES & COMPANY, INC., by its undersigned counsel,
alleges as follows:

Statement of Jurisdiction and Venue

1. This is an action seeking redress for patent infringement under the United States Patent Laws, 35 U.S.C. § 271, et seq., for infringement of United States Letters Patent No. Des. 550,772. Exclusive jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in the District of Maryland pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

Parties

3. Plaintiff RAYMOND GEDDES & COMPANY, INC., ("RAYMOND GEDDES") is a corporation organized and existing under the laws of the State of Maryland, having its principal place of business at 8901 Yellow Brick Road, Baltimore, Maryland 21237.

4. Upon information and belief, Defendant J. ROUSEK TOY CO, INC., ("ROUSEK") is a corporation organized and existing under the laws of the State of California, having its principal place of business at 1325 Rowan Lane, Bishop, California 93514.

Claim

5. RAYMOND GEDDES is the owner by assignment of United States Letters Patent No. Des. 550,772 (the "'772 Patent"), issued by the United States Patent and Trademark Office on September 11, 2007. A copy of the '772 Patent is annexed hereto as Exhibit A. A copy of the assignment to RAYMOND GEDDES by the inventor of the '772 Patent, as recorded at the United States Patent and Trademark Office, is annexed hereto as Exhibit B.

6. Upon information and belief, ROUSEK has made, used, sold and/or offered for sale and continues to make, use, sell and/or offer to sell an eraser cap for a writing instrument, the eraser cap may be referred to as the "Extendo" eraser cap (hereinafter the "Extendo Eraser Cap"). A printout of ROUSEK's webpage, advertising the Extendo Eraser Cap is annexed hereto as Exhibit C.

7. The manufacture, use and/or offering for sale of the Extendo Eraser Cap for a writing instrument constitutes infringement of the '772 Patent.

8. ROUSEK, by making, using, selling and/or offering for sale the Extendo Eraser Cap for a writing instrument, has infringed the '772 Patent.

9. ROUSEK's infringement of the '772 Patent is willful.

10. ROUSEK's infringement of the '772 Patent has caused and will cause RAYMOND GEDDES irreparable harm for which there is no adequate remedy at law.

Prayer for Relief

WHEREFORE, RAYMOND GEDDES requests that this Court:

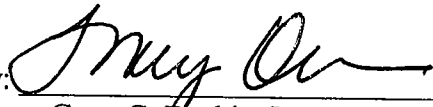
11. Enter judgment declaring that ROUSEK has infringed the '772 Patent.
12. Enter judgment declaring that ROUSEK has willfully infringed the '772 Patent.
13. Enter a permanent injunction enjoining ROUSEK and its affiliates, subsidiaries, officers, agents, employees, representatives, privies, successors, assigns and all those acting for it or on its behalf, or acting in concert with it directly or indirectly, from making, using, selling or offering for sale any goods, including the Extendo Eraser Cap for a writing instrument, which infringe the '772 Patent.
14. Award damages requiring ROUSEK to account for and pay to RAYMOND GEDDES all damages caused by reason of ROUSEK's infringement of the '772 Patent, including either ROUSEK's total profit pursuant to 35 U.S.C. § 289, or other compensation, including an increase in the damages up to three times the amount found or assessed, pursuant to 35 U.S.C. § 284, or both.
15. Enter judgment pursuant to 35 U.S.C. § 285 making this case exceptional and awarding RAYMOND GEDDES its attorneys' fees, costs and expenses.
16. Enter judgment requiring ROUSEK to file with the Court and serve upon RAYMOND GEDDES's counsel within 30 days after entry of judgment in this matter a report in writing, under oath, setting forth in detail the manner and form in which ROUSEK has complied with said judgment, and the manner and form ROUSEK will employ in the future to ensure that products made, used, sold or offered for sale by ROUSEK will not infringe the '772 Patent.

17. Award such other and further relief as may be just and proper under the circumstances.

Dated: October 16, 2007

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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